



AF/ 1634

PATENT
Attorney Docket 44921-5054-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Patricia D. Murphy**)
Application No. **09/923,327**) Art Unit: **1634**
Filed: **August 8, 2001**) Examiner: **Carla Myers**
For: **Determining Common Functional Alleles**)
In A Population And Uses Therefore)

U.S. Patent and Trademark Office
Customer Window, **Mail Stop AF**
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

- Transmitted herewith is a Notice of Appeal further in response to the Office Action dated April 21, 2004.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a three-month extension of time from July 21, 2004 to October 21, 2004, the fee for a small entity which is **\$490.00** as set out in 37 C.F.R. 1.17(a). The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

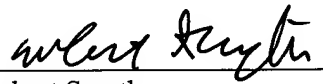
CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	29	minus	34	0	\$18 each=	0.00
Independent Claims	4	minus	4	0	\$88 each=	0.00
First presentation of Multiple dependent claim					\$300.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						0.00

- Fee Payment: The Commissioner is hereby authorized to charge **\$660.00** to Deposit Account No. 50-0310 for payment of the three-month extension of time fee (\$490.00) and the Notice of Appeal Fee (\$170.00).
- Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

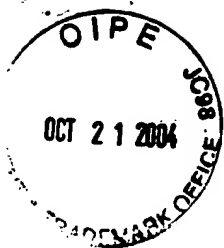
paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 21, 2004**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Robert Smyth
Registration No. 50,801



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NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES

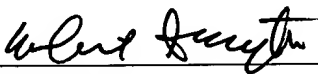
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated April 21, 2004 of the Examiner finally rejecting claims 97 to 101, 103 and 105 to 124. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a three-month extension of time from July 21, 2004 to October 21, 2004, the small entity fee for which is \$490.00 as set forth in 37 C.F.R. 1.17(a)-(d). If an additional extension of time is required, please consider this a Petition therefor.

The Commissioner is hereby authorized to charge **\$660.00** to Deposit Account No. 50-0310 for payment of the small entity three-month extension of time fee (\$490.00) and the Notice of Appeal fee (\$170.00) as set forth on the accompanying transmittal form.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **October 21, 2004**
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Respectfully submitted,
Morgan, Lewis & Bockius LLP


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01 FC:2401 170.00 DA
02 FC:2253 490.00 DA